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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,625

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Masato Ishida

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38834

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04/16/2008

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

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WASHINGTON, DC 20036

EXAMINER

RUDAWITZ, JOSHUA I

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

04/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,625

Applicant(s)

ISHIDA ET AL.

Examiner

JOSHUA I. RUDAWITZ

Art Unit

3652

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunlap, JR (U.S. Patent Application No. 2005/0043854) in view of Nedblake (U.S. Patent Application No. 2005/0237201).

Dunlap, JR (Dunlap) discloses an automated warehouse system operated by moving a transfer apparatus along a first rack in a warehouse and storing or retrieving containers, the containers having RFID tags; a first and second reading means 16 provided in the transfer apparatus (para. [0014], ln 8-9), the examiner notes that Dunlap discloses one or more readers, which would encompass two readers; a control means for setting a speed of pulling the container [0018]; the transfer apparatus includes a stacker crane 140 with a truck movable in a direction parallel with the rack, figure 5, a mast 142, a hoisting frame 144, and a transfer means 144, a first reading means 18 positioned on the left and right ends of the hoisting frame and the second reading means on one upper positions near the left and right ends of the hoisting frame, see figure 3; a second rack is provided on the right side.

Dunlap fails to disclose ID tags attached to individual articles in the container.

Nedblake discloses ID tags on both the container and individual articles, figure 2, in order to keep track of inventory (see abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to include Nedblake's ID tags on both the container and articles in Dunlap's warehouse system in order to keep track of inventory.

The Dunlap in view of Nedblake combination fail to disclose ID tags on both sides of the container. It would have been obvious to a person having ordinary skill in the art at the time of invention to include the additional ID tag on the container, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis.*, 193 USPQ 8.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunlap, JR (U.S. Patent Application No. 2005/0043854) in view of Nedblake (U.S. Patent Application No. 2005/0237201) in view of Bonneton et al (U.S. Patent No. 4,678,390).

The Dunlap in view of Nedblake combination discloses space for arranging two containers on the hoisting frame and can be transferred from the hoisting from to the rack, see figure 5.

The Dunlap in view of Nedblake combination fails to disclose internal transfer means.

Bonneton et al. (Bonneton) discloses an internal transfer means, see figure 4, on a stacker crane in order to better distribute weight for transport. Therefore it

would have been obvious to a person having ordinary skill in the art at the time of invention to include Bonneton's internal transfer means in the Dunlap in view of Nedblake combination in order to better distribute weight for transport.

Response to Arguments

4. Applicant's arguments, see page 5, filed 12/10/2007, with respect to objections to the drawings have been fully considered and are persuasive. The objection the drawings of 09/10/2007 has been withdrawn.
5. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.
6. With regards to the applicant's arguments concerning claims 1-5, specifically that the Dunlap reference fails to disclose a structure that can check the inventory of individual articles, the examiner respectfully disagrees. The examiner noted in the rejection that the Dunlap reference fails to disclose ID tags on the individual articles, but so long as the ID tags taught by Nedblake are the same as those disclosed by Dunlap, the reading means will be able to see both the containers and the individual articles in the combination. In this case each reference uses RFID tags and would therefore be compatible.
7. With regards to the applicant's argument that none of the references disclose a control system for setting a speed, the examiner respectfully disagrees. As is noted in the rejection above Dunlap discloses a control system in paragraph 0018, this control system then can be used to control the speed of the various parts of the transfer

mechanism. The control means as claimed has a functional limitation that states "control means for setting a speed..." and the control means disclosed by Dunlap is able to set that speed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA I. RUDAWITZ whose telephone number is (571)272-7856. The examiner can normally be reached on Monday - Friday, 7:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. I. R./
Examiner, Art Unit 3652

/Saúl J. Rodríguez/
Supervisory Patent Examiner, Art
Unit 3652